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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,230	03/02/2004	Matthew P. Frederick	18319-A USA	3631
23307	7590	01/11/2005	EXAMINER	
SYNNESTVEDT & LECHNER, LLP 2600 ARAMARK TOWER 1101 MARKET STREET PHILADELPHIA, PA 191072950			PATEL, DHIRUBHAI R	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/791,230

Applicant(s)

FREDERICK ET AL.

Examiner

DHIRU R PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 10-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 0105.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a first substrate portion, a second substrate portion recited in claim 9, a third substrate portion recited in 10 and first slit and a second slit recited in claim 14 must be shown or the feature(s) canceled from the claim(s). The examiner suggest showing reference number for a first substrate portion, a second substrate portion, a third substrate portion and a first slit and a second slit . A proposed drawing correction or corrected drawings are required in reply to the office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. No new matter should be entered.

Applicant is responsible for showing reference number for claimed invention.

2. Applicant is required to submit a proposed drawing correction in reply to this office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any

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portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1- 2, 4 -5, 9 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by James et al (6,822,166).

James et al disclose:

Regarding claim 1, an overwrap 10 ( a sheath, see figs 1 and 3) for protecting elongated items 24 (see figs1, 3 and column 1 lines 65-67, column 4 lines 60-65), said overwrap comprising: a flexible substrate (see figs1,3 and column 4 lines 45-50 and entire abstract) having first and second surfaces oppositely disposed (not numbered, see figs1 and 3); a first attachment means 28 (see figs1and 3) positioned on said first surface and extending substantially thereover (see fig 3); and a second attachment means 30 (see figs1 and 3) positioned on said second surface and extending substantially thereover (see fig 3), said second attachment means being engageable with said first attachment means for

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removably attaching said first and second surfaces to one another when said first surface is brought into contact with said second surface (see fig 3).

Regarding claim 2, wherein said first attachment means comprises a multiplicity of hooks 28 extending from said first surface (see figs 1, 3 and column 4 lines 65-67) and said second attachment means comprises a multiplicity of loops 30 extending from said second surface (see figs 1, 3 and column 4 lines 65-67).

Regarding claims 4 and 17, wherein said substrate comprises a nylon felt (see column 5 lines 5-10).

Regarding claim 5, wherein said substrate is resiliently biased so as to form a tube 38 (trough, see fig 3, column 5 lines 20-25) wherein a portion of said first surface overlies a portion of said second surface (see fig 3), said tube having a central space for receiving said elongated items (see fig 1), said first and second surface portions being engageable with one another to affix said tube around said elongated items (see figs 1 and 3).

It is noted that the assembly of James et al meet the structural limitations.

Regarding claim 9, further comprising: a first substrate portion 12 (see figs 1 and 3) being turned back upon a remainder of said substrate to form a reverse fold (It is noted that the assembly of James et al meet the structural limitations), said reverse fold defining a channel between said first substrate portion and said remainder for receiving said elongated items(see fig 1); and a second substrate portion 14 (see figs 1 and 3) being turned back upon said remainder of said substrate into overlapping relation with said first substrate portion (It is noted that the assembly of James et al meet the structural limitations): , said first attachment

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means on one of said first and second substrate portions engaging said second attachment means on the other of said first and second substrate portions to hold said first and second substrate portions in overlapping relation to secure said reverse fold defining said channel (see figs 1 and 3).

It is noted that the assembly of James et al meet the structural limitations.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time

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a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3 and 16 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over James et al (6,822,166).

James et al disclose:

Regarding claims 3 and 16, James disclose all the features of the claimed invention as shown above, but fails to disclose wherein said substrate comprises a non-woven material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of James with said substrate comprises a non-woven material , since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

***Allowable Subject Matter***

6. Claims 6-8, 10-13 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 14-15 would be allowable if rewritten to overcome the drawing objection, set forth in this Office action.

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The following is a statement of reasons for the indication of allowable subject matter:

The primary reasons for the indication of the allowability of claims 6-8, 10-15 are the inclusion therein, in combination as currently claimed, of the limitation of wherein said tube comprises a first tubular segment defining a first central space and a second tubular segment defining a second central space, said first and second tubular segments being connected to one another with said first and second central spaces in communication with one another (for claims 6-8), further comprising a third substrate portion being turned back upon said remainder of said substrate to form another reverse fold, said other reverse fold defining another channel between said third substrate portion and said remainder, said third substrate portion being in overlapping relation with said second substrate portion electronic parts are packaged in inside spaces of said covers (for claim 10), further comprising a score line positioned on said substrate, said score line defining a boundary between said first substrate portion and said remainder of said substrate, said score line facilitating said reverse fold (for claims 11-13), and said first slit forming a first opening providing access to said first central space, and said second slit forming a second opening providing access; to said second central space (for claims 14-15).

The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.



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***Other prior art cited***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Caron and McFadden disclose an overwrap similar to applicant's claimed invention.

***Contact information***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is 571-272-1983. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Dhiru Patel  
Primary Examiner  
Group Art Unit 2831  
January 8, 2005

  
DHIRU R. PATEL  
PRIMARY EXAMINER  
1/8/05